WP(C) 346/2007

BEFORE

THE HON’BLE MR JUSTICE RANJAN GOGOI

The petitioner, Shri Muzahid Ali, was at the relevant point of time working as the Additional Registrar of Cooperative Societies. One Smti Juri Phukan was transferred and posted as Additional Registrar of Cooperative Societies in place of the petitioner by an order dated 08.12.2006. No posting was given to the petitioner who was asked to handover charge and await his posting order. The petitioner has complied with the order-dated 8.12.2006. However, no posting has been forthcoming. Consequently, as the petitioner has been without a posting and salary, this writ petition has been filed.

No instructions have been conveyed to the Govt. Advocate so as to enable him to apprise the Court the present position. There can be no manner of doubt that the petitioner, on being relieved of his earlier posting by the order dated 08.12.2006 ,is entitled in law to be posted in a suitable post. The Respondent State is duty bound to so act and its failure to do so has caused serious prejudice to the petitioner including withholding of his salary.

In the above circumstances, I direct that the petitioner shall be given a posting within the next 7 days and arrear salary due to him from the date he was relieved of his earlier charge shall also be paid to him without any delay. As the petitioner has been compelled to come to the Court solely due to the lapses on the part of the State, I direct that the petitioner be paid litigation cost amounting to Rs. 5000.00. This will also be paid with the next 7 days.

The writ petition is disposed of in terms of the above.